

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

WHITE PLAINS HOUSING AUTHORITY,

Plaintiff,

-against-

MARIANINA OIL CORP.,

Defendant.

USDC SDNY
DOCUMENT
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DATE FILED: 7/25/2022

No. 17-cv-06250 (NSR)
ORDER & OPINION

NELSON S. ROMÁN, United States District Judge:

Plaintiff White Plains Housing Authority (“Plaintiff”), brings this action against Marianina Oil Corporation (“Defendant” or “Marianina”), asserting claims under the Resource Conservation and Recovery Act (“RCRA”), 42 U.S.C. § 6901 *et seq.* (ECF No. 59.) Plaintiff alleges that its property was contaminated by discharges of gasoline and toxic-biproducs of gasoline emanating from a former gasoline station at 34 East Post Road, White Plains, New York (the “Service Station”), which is currently owned, and was formerly operated, by Defendant. (*Id.*) On May 6, 2022, the Court held a show cause hearing where the parties discussed Marianina’s sale of the Service Station to White Plains Hospital. After oral argument, the parties consented to the Court’s oral order staying the closing of the sale until the parties could agree on a rider to add to the purchase and sale agreement that confirms that White Plains Hospital would be stepping into the shoes of Marianina in the instant action. The Court has now received several letters from Marianina requesting the Court lift the stay (ECF Nos. 217; 219; 221) and several letters from Plaintiff opposing the request (ECF Nos. 218; 220; 222.) After a review of the materials, it is hereby

ORDERED that the stay of the sale is lifted on the condition that White Plains Hospital is prepared to step into the shoes of Marianina in all aspects of this matter, meaning that White

Plains Hospital will assume any and all existing liabilities, defenses, as well as the right to appeal just as Marianina would, the procedural posture of this case will not change, and Plaintiff retains the same rights, claims, and defenses against White Plains Hospital it otherwise would possess as against Marianina;

ORDERED that should Marianina complete the sale of the Service Station to White Plains Hospital in accordance with this order as outlined above, White Plains Hospital shall be substituted as the named defendant.

Dated: July 25, 2022
White Plains, New York

SO ORDERED:

A handwritten signature in dark ink, appearing to read 'Nelson S. Román', is written over a horizontal line.

NELSON S. ROMÁN
United States District Judge